S.B.CRIMINAL MISC. BAIL APPLICATION NO.4970/2006

Date : 13.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. J.S. Choudhary for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that cross-case has also been lodged by the side of the accused applicant. According to learned counsel, previously a case was registered under Sections 447, 323 and 379 IPC and subsequently after X-ray report two more offences under Sections 327 and 307 IPC were added. It is submitted that prior in time the complaint in regard to the incident was filed by the accused side and they have also received injuries. It has also been submitted that no specific allegations have been attributed against the accused applicant, therefore, the applicant requires consideration for grant of bail.

On the other hand, learned Public Prosecutor submits that in the FIR and in the statements recorded, there is mention of the fact that the accused applicant was having Axe in his hand and that was used at the time of the incident and injury on head of the injured is grievous in nature.

I have considered the submissions made before me.

In the facts and circumstances of the case, without expressing any opinion on the merit of the case and taking into consideration the fact that investigation is pending, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected. However, the applicant shall be at liberty to move regular bail application before the learned trial court after filing of the charge-sheet. In case, after filing of the charge-sheet, if any such bail application is moved, then, the learned trial court shall consider the same in accordance with law.

(SATYA PRAKASH PATHAK), J.

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